

AMENDED IN ASSEMBLY MARCH 18, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 158**

**Introduced by Assembly Member Runner**

January 22, 2003

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An act to amend Section 11383 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 158, as amended, Runner. ~~Methamphetamine: precursor: iodine~~ *Controlled substances: manufacture.*

(1) *Existing law generally makes it a felony for a person to possess specified substances at the same time with the intent to manufacture methamphetamine, N-ethylamphetamine, or phencyclidine. Existing law provides that possession of immediate precursors sufficient for the manufacture of the specified substances, or possession of any compound or mixture containing any of the specified substances, shall be deemed to be possession of those specified substances.*

*This bill would revise the latter provision to provide instead that the possession of precursors, compounds, or mixtures relating to specified substances with an intent to manufacture those specified substances or any controlled substance shall be deemed to be possession of the specified substances.*

(2) Existing law provides that any person who, with intent to manufacture methamphetamine, possesses hydriodic acid is guilty of a felony and shall be punished by imprisonment in the state prison for 2, 4, or 6 years. Existing law provides that the possession of essential chemicals sufficient to manufacture hydriodic acid, with intent to

manufacture methamphetamine, shall be deemed to be possession of hydriodic acid.

This bill would specify *red phosphorous*, iodine, and tincture of iodine as within the class of essential chemicals sufficient to manufacture hydriodic acid.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11383 of the Health and Safety Code is  
2 amended to read:

3 11383. (a) Any person who possesses both methylamine and  
4 phenyl-2-propanone (phenylacetone) at the same time with the  
5 intent to manufacture methamphetamine, or who possesses both  
6 ethylamine and phenyl-2-propanone (phenylacetone) at the same  
7 time with the intent to manufacture N-ethylamphetamine, is guilty  
8 of a felony and shall be punished by imprisonment in the state  
9 prison for two, four, or six years.

10 (b) Any person who possesses at the same time any of the  
11 following combinations, or a combination product thereof, with  
12 intent to manufacture phencyclidine (PCP) or any of its analogs  
13 specified in paragraph (22) of subdivision (d) of Section 11054 or  
14 paragraph (3) of subdivision (e) of Section 11055 is guilty of a  
15 felony and shall be punished by imprisonment in the state prison  
16 for two, four, or six years:

17 (1) Piperidine and cyclohexanone.

18 (2) Pyrrolidine and cyclohexanone.

19 (3) Morpholine and cyclohexanone.

20 (c) (1) Any person who, with intent to manufacture  
21 methamphetamine or any of its analogs specified in subdivision  
22 (d) of Section 11055, possesses ephedrine or pseudoephedrine, or  
23 any salts, isomers, or salts of isomers of ephedrine or  
24 pseudoephedrine, or who possesses a substance containing  
25 ephedrine or pseudoephedrine, or any salts, isomers, or salts of  
26 isomers of ephedrine or pseudoephedrine, or who possesses at the  
27 same time any of the following, or a combination product thereof,  
28 is guilty of a felony and shall be punished by imprisonment in the  
29 state prison for two, four, or six years:



1 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,  
2 N-methylephedrine, N-ethylephedrine,  
3 N-methylpseudoephedrine, N-ethylpseudoephedrine, or  
4 phenylpropanolamine, plus hydriodic acid.

5 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,  
6 N-methylephedrine, N-ethylephedrine,  
7 N-methylpseudoephedrine, N-ethylpseudoephedrine, or  
8 phenylpropanolamine, thionyl chloride and hydrogen gas.

9 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,  
10 N-methylephedrine, N-ethylephedrine,  
11 N-methylpseudoephedrine, N-ethylpseudoephedrine, or  
12 phenylpropanolamine, plus phosphorus pentachloride and  
13 hydrogen gas.

14 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,  
15 N-methylephedrine, N-ethylephedrine,  
16 N-methylpseudoephedrine, N-ethylpseudoephedrine,  
17 chloroephedrine and chloropseudoephedrine, or  
18 phenylpropanolamine, plus any “reducing” agent.

19 (2) Any person who, with intent to manufacture  
20 methamphetamine or any of its analogs specified in subdivision  
21 (d) of Section 11055, possesses hydriodic acid or any product  
22 containing hydriodic acid is guilty of a felony and shall be  
23 punished by imprisonment in the state prison for two, four, or six  
24 years.

25 (d) For purposes of this section, “reducing” means a chemical  
26 reaction in which hydrogen combines with another substance or in  
27 which oxygen is removed from a substance.

28 (e) For purposes of this section, possession of the optical,  
29 positional, or geometric isomer of any of the compounds listed in  
30 this section shall be deemed to be possession of the derivative  
31 substance.

32 (f) For purposes of this section, possession of immediate  
33 precursors sufficient for the manufacture of methylamine,  
34 ethylamine, phenyl-2-propanone, piperidine, cyclohexanone,  
35 pyrrolidine, morpholine, ephedrine, pseudoephedrine,  
36 norpseudoephedrine, N-methylephedrine, N-ethylephedrine,  
37 phenylpropanolamine, hydriodic acid, thionyl chloride, or  
38 phosphorus pentachloride, *with the intent to manufacture any of*  
39 *these substances or any controlled substance*, shall be deemed to  
40 be possession of the derivative substance. Additionally, possession

1 of essential chemicals, including, but not limited to, ~~iodine red~~  
2 *phosphorous, iodine*, or tincture of iodine, sufficient to  
3 manufacture hydriodic acid, with intent to manufacture  
4 methamphetamine, shall be deemed to be possession of hydriodic  
5 acid. Additionally, possession of any compound or mixture  
6 containing piperidine, cyclohexanone, pyrrolidine, or morpholine  
7 ephedrine, pseudoephedrine, norpseudoephedrine,  
8 N-methylephedrine, N-ethylephedrine, phenylpropanolamine,  
9 hydriodic acid, thionyl chloride, or phosphorus pentachloride,  
10 *with the intent to manufacture a controlled substance*, shall be  
11 deemed to be possession of the substance.

12 (g) Subdivisions (a), (b), (c), (e), and (f) do not apply to drug  
13 manufacturers licensed by this state or persons authorized by  
14 regulation of the Board of Pharmacy to possess those substances  
15 or combinations of substances.

